

## **REMARKS**

In accordance with the foregoing, claims 1, 2, 3, 5, 9, and 11 are amended. No new matter is added. Claims 1-11 are pending and under consideration.

### **ALLOWED CLAIMS**

The Office Action indicates that claims 3 and 4 are allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter. However, claims 3 and 4 are maintained in dependent form at the present time.

### **INTERVIEW WITH THE EXAMINER**

First, Applicants wish to thank the Examiner for the courtesy of an interview granted to Applicant's representative on October 19, 2007, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that in light of the arguments and the claim amendments he would reconsider the outstanding grounds for rejection upon formal submission of a response.

### **CLAIM REJECTIONS UNDER 35 USC §102 AND §103**

Claims 1-2, 5 and 7-10 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 7,039,270 to Poti et al. (hereinafter "Poti"). Claim 6 is rejected under 35 USC §103(a) as being unpatentable over Poti in view of U.S. Patent No. 5,943,151 Grasso et al. ("Grasso").

Claim 1 is amended herewith to make it clear that the set numbers represent "how many signal lights to be allocated consecutively in groups of consecutively allocated wavelengths on said wavelength grids." Moreover amended claim 1 specifies that "at least two groups have different numbers of signal lights." The claims amendments are fully supported by the originally filed specification, for example FIG. 1 and the corresponding description in the specification. Claims 2, 3, and 5 are amended to correspond to the recitations of amended claim 1.

Amended claim 1 and claims 2-8 depending from claim 1 are patentable at least because the above reproduced features are not anticipated by Poti alone or in combination with Grasso.

Independent claim 9 is amended herewith similar with claim 1 to clarify that the device of the optical transmission apparatus "allocates signal lights on a wavelength grid" such that "different numbers being set in advance to represent how many signal lights are allocated consecutively in wavelength bands of the wavelength grid" and "at least two wavelength bands

have different numbers of consecutively allocated wavelengths of the wavelength grid to signal lights." Claims 9 and 10 patentably distinguish over the cited prior art at least because claim 9 recites the above-reproduced features.

Amended independent claim 11 patentably distinguishes over the cited prior art at least by reciting "allocating consecutive wavelengths of an equally spaced wavelength grid, to groups of signals, predetermined numbers representing how many consecutive wavelengths of the equally spaced wavelength grid are allocated to signals in each group, each group including at least three signals, and leaving at least one wavelength of the equally spaced wavelength grid unused between adjacent groups, and at least two groups having different predetermined numbers of signals, wherein all the groups of signals are multiplexed to be transmitted."

### **CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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